

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TOM MONTGOMERY, as Personal
Representative of the Estate of MICHAEL
TRAVIS CLINARD, deceased; *et al.*,

Plaintiffs,

v.

KING COUNTY, a political subdivision of the
State of Washington; *et al.*,

Defendants.

NO. 2:20-cv-00855-TL

**STIPULATED MOTION AND
ORDER TO APPROVE
SETTLEMENT AND DISMISS**

I. BACKGROUND

Michael Travis Clinard, the decedent in this matter, died intestate. Plaintiff Michael B. Smith was appointed guardian ad litem of Mr. Clinard's estate by the Pierce County Superior Court.¹ At the time of his death, Mr. Clinard was the biological father of minor children T.C., Z.C., and A.C.² Those minors, as Mr. Clinard's surviving issue, have an interest in any award or settlement proceeds awarded to the Estate of Michael Travis Clinard. The Parties here have conducted mediation and negotiated a settlement that is subject to guardian *ad litem* and court approval.³

¹ Dkt. # 99, ¶ 3.

² Dkt. # 99, ¶ 2.

³ Dkt. # 99, ¶ 4.

On December 9, 2021, the Court granted the Parties' Agreed Motion to Appoint Michael B. Smith Settlement *Guardian Ad Litem* ("GAL").⁴ The Order laid out the duties of the GAL, which included the issuance of a Settlement GAL Report. The GAL has now completed the Settlement GAL Report, and it is attached hereto.⁵

II. LAW AND ARGUMENT

Courts have a "special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors." *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). "In the context of proposed settlements in suits involving minor plaintiffs, this special duty requires a district court to 'conduct its own inquiry to determine whether the settlement serves the best interests of the minor.'" *Id.* (quoting *Dacanay v. Mendoza*, 573 F.2d 1075, 1080 (9th Cir. 1978)); *see also Salmeron v. United States*, 724 F.2d 1357, 1363 (9th Cir. 1983) ("[A] court must independently investigate and evaluate any compromise or settlement of a minor's claims to assure itself that the minor's interests are protected, even if the settlement has been recommended or negotiated by the minor's parent or guardian ad litem"). When considering whether to approve a proposed settlement of federal claims involving minors, the Court must consider whether the settlement is fair and reasonable in light of the facts and specific claims at issue and recoveries in similar cases, but without regard to the fee that the adult plaintiffs agreed to pay plaintiff's counsel. *Robidoux*, 638 F.3d at 1181-82.

Here, in compliance with LCR 17(c) and the Court's Order Appointing Michael B. Smith GAL, the settlement agreement has been approved by the GAL. The Parties respectfully agree and request that the Court approve the same.

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⁴ Dkt. # 101.

⁵ Declaration of Ryan D. Dreveskracht in Support of Stipulated Motion and Order to Approve Settlement and Dismiss, Exhibit A. The GAL Report has been redacted per LCR 5.2(a). Upon request from the Court, an unredacted version of the GAL Report will be filed under seal. Dkt. # 101, ¶ F.

III. CONCLUSION

The GAL believes the minors' interests are safeguarded and recommends that the Court should approve the settlement. The Parties thus respectfully request that the Court approve the Settlement between the Parties and dismiss the case with prejudice and without further costs or attorney's fees on the terms set forth in the GAL Report.

DATED this 24th day of February, 2022.

GALANDA BROADMAN, PLLC

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ORDER

Having considered the Motion, Settlement GAL Report, and other materials, the Court hereby approves the settlement on the terms set forth in the Settlement GAL Report and dismisses this case with prejudice and without further costs or attorney's fees.

IT IS SO ORDERED.

Dated this 4th day of March 2022.



Tana Lin
United States District Judge